

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

\* \* \*

CANDACE SLAGOWSKI *et al.*,

**Plaintiffs,**

V.

CENTRAL WASHINGTON ASPHALT, INC.,  
*et al.*,

### Defendants.

Case No. 2:11-cv-00142-APG-VCE

**ORDER AFFIRMING MAGISTRATE  
JUDGE'S ORDER**

(Dkt. #'s 288, 293)

This Order addresses the Objection to Magistrate Judge Ferenbach's July 1, 2014 Order [Dkt. #288] filed by Third-party Defendant Mitchell Forest Zemke [Dkt. #293]. Other parties filed joinders to Zemke's Objection. In addition, Zemke filed a Reply in support of his Objection [Dkt. #308]. Because that Reply is not authorized by the Local Rule 3.1(a), it is hereby stricken.

I do not find Judge Ferenbach's Order "clearly erroneous or contrary to law."

Fed.R.Civ.P. 72(a); 28 U.S.C. § 636(b)(1)(A); Local Rule IB 3-1. “The ‘clearly erroneous’ standard applies to the magistrate judge’s factual determination and discretionary orders and will be overturned ‘only if the district court is left with the definite and firm conviction that a mistake has been made.’” *Ctr. for Biological Diversity v. Fed. Highway Admin.*, 290 F. Supp. 2d 1175, 1199-1200 (S.D. Cal. 2003) (quoting *Weeks v. Samsung Heavy Indus. Co., Ltd.*, 126 F.3d 926, 943 (7th Cir.1997)). Therefore, I affirm that Order.

IT IS HEREBY ORDERED that the Objection filed by Zemke [Dkt. #293] is DENIED. Magistrate Judge Ferenbach's July 1, 2014 Order is affirmed.

DATED this 11<sup>th</sup> day of August, 2014.

  
ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE